

REMARKS

Claims 11-20 are pending. Claims 11-20 are rejected. Reconsideration of the instant application is respectfully requested.

103 Rejections

Claims 11, 12-15 and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mascolo (U.S. Patent No. 3,857,192) in view of Perbet et al. (U.S. Patent No. 4,915,231). The Applicant has reviewed the cited references and respectfully submits that Perbet et al. in view of Adams does not anticipate or render obvious the present invention as is recited in Claims 11, 12-15 and 18-20.

The examiner is respectfully directed to independent Claim 11 which recites that an embodiment of the present invention is directed to an electronic system:

...providing backing member upon which a product that is to be packaged is adhereingly attached thereto using an adhering material; b) providing said adhering material for adhering said product to said backing material; c) applying said adhering material to said backing material for adhering disposing said product thereon...encasing together said product and said backing member with a flexible plastic material so as to package said product and said backing member.

Claims 12, 15 and 18-20 depend from independent Claim 11 and recite further features of the present invention.

Mascolo does not teach or render suggest a product packaging method utilizing a form-fill-seal packaging apparatus that involves “encasing together said product and said

backing member with a flexible plastic material so as to package said product and said backing member” as is set forth in Claim 11. Mascolo only discloses a display device. The display device disclosed by Mascolo includes a backing sheet and a cooperating transparent, flexible protective cover for releasably mounting mementos such as pictures, postcards etc. (see abstract). From the Mascolo disclosure it is clear that the therein disclosed display design is the type that is used in picture albums. This device is clearly not intended to package anything but is intended to merely accommodate memento display (see abstract). By contrast, embodiments of the Applicants invention include actual packaging methodologies that involve the physical encasing of products.

Perbet et al. does not teach or suggest a modification of Mascolo that would remedy the deficiencies of Mascolo noted above. More specifically, Perbet does not teach or suggest encasing together the mementos and the backing member disclosed by Mascolo with a flexible plastic material so as to package both the memento and the backing member. This is because a teaching or suggestion by a secondary reference that would destroy a basic principle of the design of the base reference is impermissible. It should be noted that the device of Mascolo is designed to allow repeated access to underlying mementos by merely lifting, without harming, a flexible protective cover. By contrast, the package of Perbet et al. cannot be opened to allow access to packaged products without destroying its packaging seal. Therefore, it would destroy a principle of the Mascolo design (an unsealed transparent flexible cover) to encase the disclosed mementos in a sealed package as suggested in the Office Action. As such, the proposed modification of Mascolo is not permissible. Consequently, Perbet et al. in view of Mascolo does not anticipate or render obvious the embodiment of Applicants’ invention as set forth in Claim 11.

Consequently, Applicant respectfully submits that Mascolo in view of Perbet et al. does not anticipate or render obvious the present claimed invention as recited in independent Claim 11 and as such, Claim 11 is in condition for allowance. Accordingly, Applicant also respectfully submits that Mascolo in view of Perbet et al. does not anticipate or render obvious the present claimed invention as is recited in Claims 12, 15 and 18-20 dependent on Claim 11 and that Claims 12, 15 and 18-20 overcome the basis for rejection under 35 U.S.C. 103 as being dependent on an allowable base claims.

Claims 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mascolo in view of Perbet et al. as applied to claim 11 in further view of Krampe et al. (U.S. Patent No. 6,099,682). The Applicant respectfully submits that Krampe et al. does not teach or suggest a modification of Mascolo and/or Perbet et al. that would remedy the deficiencies of Mascolo and Perbet et al. noted above. Moreover, the teaching suggested in the Office Action as being provided by Krampe et al. (e.g., the application of adhesives) is not relevant to the deficiencies of Mascolo and Perbet et al. outlined above. Consequently, Applicant respectfully submits that Mascolo in view of Perbet et al. in further view of Krampe et al. does not anticipate or render obvious the present invention as is recited in Claims 13 and 14.

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mascolo in view of Perbet et al. as applied to claim 11 in further view of Saindon et al. (U.S. Patent No. 5,518,559). The Applicant respectfully submits that Saindon et al. does not teach or suggest a modification of Mascolo and/or Perbet et al. that would remedy the deficiencies of Mascolo and Perbet et al. noted above. Moreover, the teaching suggested in the Office Action as being provided by Saindon et al. (e.g., the provision of registration marks on a package) is not relevant to the deficiencies of Mascolo and Perbet et al. outlined above. Consequently, Applicant respectfully submits that Mascolo in view of Perbet et al. in further

view of Saindon et al. does not anticipate or render obvious the present invention as is recited in Claims 16 and 17.

Conclusion


In light of the above-listed amendments and remarks, Applicant respectfully requests allowance of the remaining Claims.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

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John P. Wagner, Jr.
Registration No. 35,398
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060